

REMARKS

Applicants requests favorable reconsideration and allowance of this application in view of the foregoing amendments and the following remarks.

Claims 41-56 are pending in the present application with Claims 41 and 48 being the independent claims.

Claims 41, 48 and 56 have been amended. Applicants submit that support for the new claims can be found in the original disclosure at least, for example, at page 16, lines 2-11 of the specification. Therefore, no new matter has been added.

Claim 56 was rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. The Examiner characterized the claim as being directed to a computer program *per se*. Applicants have amended that claim to recite “Program instructions embodied in a computer-readable medium . . .” Accordingly, Applicants submit that the claim is directed to statutory subject matter and withdrawal of this rejection is requested.

Claims 41-56 were rejected under 35 U.S.C. § 103 as being obvious over U.S. Patent No. 5,845,008 (Katoh et al.) in view of U.S. Patent No. 6,665,082 (Takeoka et al.). Applicants respectfully traverse this rejection for the reasons discussed below.

As recited in independent Claim 41, the present invention includes, *inter alia*, the feature of dividing means for dividing an image into a plurality of blocks based upon a size of a characteristic portion of a copy-prohibited image for testing by determination means, such that each block is an integral number of tiles, wherein the determination means is arranged to test the blocks generated by dividing means to determine whether a block has characteristics of a copy-prohibited image. By dividing an image into blocks in this manner and testing the blocks, the amount of processing and the amount of time for determining whether an image has characteristics of a copy-prohibited image are decreased.

Applicants submit that the cited art fails to disclose or suggest at least the above-mentioned features recited in Claim 41. Katoh et al. discloses an image processing device that can reliably detect documents that are copy-prohibited by detecting positioning marks in an image to obtain a region in which a specific image may exist and extracting the region to determine whether the specific image exists. However, that patent does not disclose or suggest the claimed feature of Claim 41 of dividing the image into blocks based on a size of a characteristic portion of a copy-prohibited image.

Applicants submit that Takeoka et al. fails to remedy the above-noted deficiencies. That patent teaches a printer controller for transmitting image data in patents. However, it also fails to disclose or suggest at least the above-mentioned feature. Thus, neither the size of the region described in Katoh et al. nor the size of the packet disclosed in Takeoka et al. is determined based on the size of a characteristic portion of a copy-prohibited image.

For the foregoing reasons, Applicants submit that independent Claim 41 is patentable over the cited art, whether that art is considered individually or taken in combination. Independent Claim 48 is a corresponding method claim and is believed to be patentable for reasons similar to Claim 41. The dependent claims are believed to be patentable for at least the same reasons as the independent claims, as well as for the additional features they recite.

In view of the foregoing, Applicants submit that this application is in condition for allowance. Favorable reconsideration, withdrawal of the rejections set forth in the above-mentioned Office Action, and an early Notice of Allowance are requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our below-listed address.

Respectfully submitted,



Attorney for Applicants
Brian L. Klock
Registration No. 36,570

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

BLK/lmj

DC_MAIN 212490v1